

E-FILED: May 29, 2012

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MARY BASICH,

No. C11-04406 EJD (HRL)

Plaintiff,

**ORDER RE DISCOVERY DISPUTE
JOINT REPORT #3**

v.

[Re: Docket No. 56]

PATENAUDE & FELIX, APC. and CAPITAL
ONE BANK, (USA), N.A.; DOES 1-10,
inclusive,

Defendants.

Plaintiff Mary Basich sues for alleged violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. and the California Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, et seq. She claims that defendants improperly attempted to collect a debt from her with respect to a Capital One credit card. Plaintiff says that this is a case of mistaken identity and that she is not the debtor. This court is told that the debt is owed by one Mary Ryals, who reportedly used the alias “Mary Basich.”¹


In the parties’ Discovery Dispute Joint Report (DDJR) #3, plaintiff seeks an order requiring defendant Patenaude & Felix (P&F) to produce a privilege log. The matter is deemed suitable for determination without oral argument. Civ. L.R. 7-1(b). Having considered the DDJR, the court rules as follows: DDJR #3, which was filed by plaintiff on May 1, 2012,

¹ Basich initially thought Ryals had stolen her identity, but plaintiff now tells this court that she no longer believes that to be the case.

1 indicates that defendant agreed to provide a privilege log and that the parties discussed that the
2 log would be provided by May 2, 2012. The court assumes that the privilege log has been
3 provided by now. If so, the matter appears to be moot, and plaintiff's request for an order is
4 denied. Indeed, this court wonders why plaintiff believed that pursuing the instant DDJR would
5 be an efficient use of the parties' and the court's time and resources. However, if the court is
6 incorrect in its assumption about service of defendant's privilege log, defendant would be well
7 advised to serve it forthwith.

8 SO ORDERED.

9 Dated: May 29, 2012

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13 HOWARD R. LLOYD
14 UNITED STATES MAGISTRATE JUDGE
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5:11-cv-04406-EJD Notice has been electronically mailed to:

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